

### **REMARKS**

After entry of this amendment, the pending claims are claims 1-45 of which claims 1 and 39-43 are in independent form. Claims 1-4, 7-8, and 11-45 have been objected to. Claims 1, 29 33-35 and 37-44 have been amended. Claims 5, 6, 9 and 10 have been withdrawn.

### **Allowable Subject Matter**

Claims 8, 11-14 and 20-23 are objected to in the as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims. Further, claims 19 and 25 were indicated as allowable. Based on the previous amendments, claim 40 now is claim 11 written in independent form, claim 41 now is claim 19 written in independent form, and claim 42 now is claim 25 written in independent form. No new matter has been added. Thus, claims 40-42, which are readable upon at least Species II, are now in condition for allowance.

### **Election/Restriction Requirement**

Claims 5-6 and 9-10 have previously been withdrawn from consideration. Applicants understand that when claim 1 is in condition for allowance, claims 6-5 and 9-10 will be re-joined into the present case.

### **Claim to Priority**

The Examiner acknowledged Applicants' claim to priority to PCT/DK01/00529 filed August 8, 2001 ("the '529 application"). However, the Examiner stated in the previous Office Action that the Applicants have not filed a certified copy of the '529 application, and states in the current Office Action that a certified copy was not received in Applicants' 8/10/06 reply.

In response, Applicants respectfully call the Examiner's attention to the Exhibits filed with the 8/10/06 reply, which constitute evidence that the certified priority documents were filed. Specifically, Applicants filed a Submission of Certified Priority Document ("Submission") on May 18, 2004, attaching a certified copy of the '529 application (which was attached in the previous response as Exhibit B). The U.S. Patent & Trademark Office acknowledged receipt of

the certified copy of the '529 application by stamping and returning a postcard accompanying the Submission (which was attached as Exhibit C). Applicant respectfully requests acknowledgment that the claim for priority is properly made.

### **Objection to Drawings**

The Examiner has objected to the drawings because in Fig. 11, numeral 1 should be 38. The Examiner has requested corrected drawing sheets. Reference number 1 has been replaced with reference number 38 in Figure 11, and the same correction has also been made to Figure 10 on the same drawing sheet. A Replacement Sheet that embodies these changes is enclosed herewith (see Exhibit A). Applicants respectfully request that the objections to the drawings be withdrawn.

### **Objection to Claims**

The Examiner objected to claims 1-4, 7-8, and 11-45 for various informalities. Applicants have amended these claims to correct these informalities. Regarding claim 36, the stoma and first coupling device are not one and the same. Rather, the first coupling part 1 is an implant that is sutured to the skin in the vicinity of the stoma. *See* Specification, page 9, lines 1-11. Also regarding claim 36, a "second device" cited by the Examiner is not recited in the claim. The "second coupling device" recited in claim 36 and the pouch are not one and the same. The amendments to the claims were made for reasons unrelated to patentability and support for the amendments is found in the specification. No new matter has been added. Applicants respectfully request that the objections of the claims be withdrawn.

### **Rejection Under 35 U.S.C. §102(b)**

Claims 1-4, 7, 15, 17 19, 24-39, 41 and 43-45 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,785,695 to Sato et al. ("Sato").

Regarding claim 1, Sato describes a body waste receiving appliance having an adhesive plate 1 having a first flange 4 and a third flange 17 inside the first flange 4, an outer pouch 10 having a second flange 7, and an inner pouch 15 having a fourth flange 19 which fits within the

second flange 7 (see the Sato '695 patent, Figure 5; col. 7, lines 8-10; col. 8, line 55 - col. 9, line 4). In Sato, a fitting portion 20 of flange 19 fits into fitting portion 18 of flange 17 and a fitting portion 9 of flange 7 fits into a fitting portion 6 of flange 4 (see the Sato '695 patent, Figure 5; col. 7, lines 3-8; col. 8, line 55 - col. 9, line 4). It can be clearly seen in Figure 5 of Sato that, upon engagement of all flanges with their associated fitting portions, disk 7 will concentrically encircle disk 19, *without overlap*.

In contrast, the first disc (9,40) of the present invention at least partially overlaps the second disc (10,41), as can be seen in Figures 4 and 14, and particularly in the plan views of Figures 18 and 19. This feature is also recited in claim 1. Sato is silent regarding any such arrangement wherein at least a portion of the first disc 9,40 may be positioned over (*i.e.*, may overlap) at least a portion of the second disc 10,41 (see Figs. 8-16). If a portion of the flange 7 of Sato overlapped a portion of the flange 19 or vice versa, the adhesive plate 1 of Figure 5 would not properly engage one or both of the flanges 7, 19.

For the reasons stated above, Applicants respectfully submit that the Sato '695 patent does not disclose, teach or suggest all the recitations of claim 1. Specifically, there is no disclosure, teaching or suggestion in the Sato '695 patent of a portion of a first disc overlapping a portion of a second disc. As all the features recited in independent claim 1 are not disclosed, taught or suggested by the Sato '695 patent, Applicants submit that this claim is allowable over the Sato '695 patent. Dependent claims 2-4, 7, 15, 17, 19 and 24-38 depend either directly or indirectly from independent claim 1 and are allowable for at least the same reason as discussed above in connection with claim 1.

Independent Claims 39 and 43 of the present invention all recite first and second coupling collars designed around the corresponding apertures of the first and second discs, "wherein the second coupling collar extends through the aperture of the first disc in the same direction as the first coupling collar." Coupling collars 14,17 are shown in interlocking engagement in Figures 4 and 5. As recited in the claims, the Figures show second coupling collar 17 extending through the aperture, or opening, of the first disk 9 in the same direction as first coupling collar 14.

In contrast, the second disc 7 of Sato has no such collar, or any other structure, that extends through the aperture of the first disc 19. Instead, the two discs of Sato are only retained

in a fixed position relative to one another when the fitting portions 9, 20 of discs 7,19 are engaged with the corresponding fitting portions 6,18 of the first coupling part.

Therefore, Applicants respectfully submit that the Sato '695 patent does not disclose, teach or suggest all the limitations of any of claims 39 and 43. Specifically, there is no disclosure, teaching or suggestion in the Sato '695 patent of a second coupling collar of a second disc extending through the aperture of a first disc in the same direction as a first coupling collar. As all the features recited in independent claims 39 and 43 are not disclosed, taught or suggested by the Sato '695 patent, Applicants submit that these claims are allowable over the Sato '695 patent. Dependent claims 44 and 45 depend from independent claim 43 and are allowable for at least the same reason as discussed above in connection with claim 43.

**Rejection Under 35 U.S.C. §103(a)**

Claims 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sato. Claims 16 and 18 are dependent from independent claim 1 and are allowable for at least the same reason as discussed above in connection with claim 1.

In view of Applicants' amendments and remarks, it is believed that all claims are now in condition for allowance. Should the Examiner have any questions or concerns regarding the amendments, remarks or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

Respectfully submitted,

Date: 4/2/07



Allan A. Fanucci

Reg. No. 30,256

**WINSTON & STRAWN LLP**  
CUSTOMER NO. 28765  
(212) 294-3311

-16-

**Response to Final Office Action dated November 3, 2006**  
**Application No. 10/773,697**  
**Attorney Docket No. 81421-4037**

NY:1099380.1